
EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

THE TRUSTEES OF PURDUE)
UNIVERSITY,)
Plaintiff,) Case No.
v.) 6:21-CV-00727
STMICROELECTRONICS INTERNATIONAL)
N.V., AND STMICROELECTRONICS,)
INC.,) -ADA
Defendants.)

)

**CERTIFIED
TRANSCRIPT**

Videotaped Deposition of LORI LIPKIN PH.D.

(Given Remotely)

Friday, July 21, 2023

9:05 a.m. Eastern

Reported by: Karen Kidwell, RMR, CRR

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22 STMicroelectronics

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24 STMicroelectronics

25 Jeremy Gilliam, Videographer

1 that.

2 Q. Which expert?

3 A. What was his name? I don't recall his
4 name. Sorry. I'm bad with names.

5 Q. Have you been asked to respond to some
6 expert of Purdue outside of this report?

7 A. I have not been asked to respond at this
8 time.

9 Q. Let me go back and make sure I get the
10 record clean.

11 You -- you agree, if I -- and let me know
12 if I got it wrong: You agree that you're not relying
13 on the Lu thesis to show -- on its own, to show
14 anticipation of Claims 9 or 10 of the '633 patent,
15 correct?

16 A. In this report, I am not relying on the
17 Lu thesis to prove invalidity.

18 Q. Likewise, you're not combining the Lu
19 thesis with other work to show obviousness of
20 Claims 9 or 10 in this report, correct?

21 A. Agreed. In this report, I am not using
22 Lu's thesis in combination with other work to prove
23 invalidity.

24 Q. You do not rely or consider -- let me
25 strike that.

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1 that what you're asking me about? Because I --

2 Q. No.

3 A. I don't understand --

4 Q. No, I'm asking about --

5 A. -- what you're asking.

6 Q. I'm interested in what's in your report,
7 what you have, as you said, taken, you know, a lot of
8 time to put pen to paper or dictate to somebody who
9 typed it out.

10 You -- in your report, there is no -- you
11 do not offer the results of any kind of independent
12 investigation, on your own, as to the public
13 accessibility of the 2003 book, right?

14 A. That's correct.

15 Q. Okay.

16 A. In my report, I did not offer my own
17 independent opinion on the public date of the 2003
18 book.

19 Q. Likewise, in your report, you do not offer
20 the results of your own independent investigation on
21 the public accessibility of the Lu thesis, correct?

22 MR. TARNAY: Object to the form of the
23 question.

24 THE WITNESS: That's correct. In the
25 report, I do not state an opinion of my own

1 research based on its public availability.

2 BY MR. LAHAD:

3 Q. All right. If you go to paragraph 43 of
4 your report --

5 A. Um-hmm.

6 Q. -- you talk about the legal standards.
7 You see that?

8 A. I do.

9 Q. And the last paragraph of that -- excuse
10 me, the last sentence of that paragraph says: "As
11 such, I understand that at least the following
12 qualify as prior art under pre-AIA 35 USC
13 Section 102.

14 A. Uh-huh.

15 Q. And so on the next page -- it's
16 paragraph 44 --

17 A. Sure.

18 Q. -- you say, "The claimed invention was
19 known or used by others in the United States, or
20 patented or described in a printed publication in
21 either the United States or a foreign country, before
22 the date of the invention." See that?

23 A. I do.

24 Q. Okay. What date of invention are you
25 using?

1 BY MR. LAHAD:

2 Q. You're not asserting the Lu -- well, you
3 testified earlier, you're not asserting the Lu --

4 A. You changed the words.

5 I'm sorry. I interrupted you.

6 Q. You testified earlier that you are not
7 citing the Lu thesis, on its own, as grounds to show
8 anticipation of Claim 9 or 10 of the '633 patent,
9 correct?

10 A. I don't remember the exact words. I don't
11 remember the use of the word "citing," and that's
12 what I'm objecting to.

13 But I -- you know, it's been an hour.
14 I -- I might be misremembering. The Lu thesis is
15 certainly cited in my report.

16 Q. But you're not basing an anticipation
17 argument on the Lu thesis on its own, correct?

18 A. That's correct.

19 Q. And likewise, you're not combining the
20 Lu thesis with any other works to show obviousness of
21 Claims 9 and 10, right?

22 A. That's correct.

23 I'm sorry if I'm misunderstanding your use
24 of the word "citing." I'm just -- I want to be
25 clear.

1 exception of the 2003 book, none of the island art
2 describes silicon carbide devices, correct?

3 A. Can you restate that?

4 Q. Sure. With the exception of the 2003
5 book, none of the island art describes silicon
6 carbide devices, correct?

7 A. With the exception of the 2003 book, I
8 agree that none of what I am referring to as island
9 art, those five references, it's my recollection that
10 they were in silicon. But I can look at them again
11 and refresh my memory to be sure.

12 Q. The -- the -- a couple of the,
13 quote/unquote, island art references are
14 ST references, right? There's the application note
15 and the AD6A art, right?

16 A. Sure.

17 Q. The 2003 book, that's not an ST reference,
18 right?

19 A. Right. The 2003 book was part of a -- it
20 was a chapter in a published book.

21 Q. Yeah, but none of the authors in that
22 chapter are -- are or were ST employees, right?

23 A. I -- I really don't know what Dr. Agrawal
24 did before he came to Cree. I have no way of
25 knowing. To my knowledge, I don't think he was at

1 paragraph 395, please, of your report.

2 All right. In this paragraph 395, you're
3 referring to the ST System art AD6A, correct?

4 A. Uh-huh. Yes.

5 Q. And you are relying on Exhibit 633-B24 to
6 ST's final invalidity contentions, correct?

7 MR. TARNAY: Object to the form of the
8 question.

9 THE WITNESS: I'm sorry, what's your
10 question?

11 BY MR. LAHAD:

12 Q. Sure. There's a reference here to
13 "Exhibit 633-B24 to ST's final invalidity
14 contentions." Do you see that?

15 A. I do.

16 Q. You're relying on that in support of your
17 opinions regarding the AD6A art, correct?

18 MR. TARNAY: Objection to the form of the
19 question.

20 THE WITNESS: Yeah, I don't -- I don't
21 know what you mean by "relying on."

22 BY MR. LAHAD:

23 Q. Well, how are you using Exhibit 633-B24?

24 A. That exhibit gives drawings of the device
25 that they were selling. And the drawings identify

1 spaced apart base contacts that were being used or
2 sold in the year 2003.

3 Q. **Sold by whom?**

4 A. It's my understanding ST sold them.

5 Q. **To whom?**

6 A. I don't know. I didn't ask that.

7 Q. **When were they sold, allegedly?**

8 A. It's my understanding that they were sold
9 in the year 2003.

10 Q. **What's that based on?**

11 A. I spoke with their sales manager, and he
12 confirmed that they had been sold in 2003. My
13 recollection is --

14 Q. **When in 2003?**

15 A. -- he may have provided a specific date.
16 I don't recall that date offhand.

17 Q. **You don't know specifically when in 2003**
18 **these products were allegedly sold?**

19 A. Off -- offhand, I don't. I'm happy to
20 review my report and see what it says, because I
21 don't recall offhand what the exact date was.

22 Q. **Is that date in your report?**

23 A. I can look.

24 Q. **Yeah. Go ahead.**

25 A. I -- I don't see an exact date.

1 **Q. Is it your view that this alleged sale by**
2 **ST triggers the "on sale" bar of Section 102?**

3 MR. TARNAY: Object to the form of the
4 question.

5 THE WITNESS: I'm sorry. What are you
6 asking?

7 BY MR. LAHAD:

8 **Q. Sure. Is it your view that the sale by**
9 **ST -- strike that.**

10 **Is it your view that this alleged sale by**
11 **ST triggers the "on sale" bar of Section 102(b)?**

12 MR. TARNAY: Object to the form of the
13 question.

14 THE WITNESS: If they were -- it's my
15 understanding that the products had actually
16 been sold, not just on sale. And that if they
17 were sold in the United States prior to a year
18 before the priority date, that would make them
19 prior art.

20 BY MR. LAHAD:

21 **Q. Do you know whether these sales were**
22 **public?**

23 A. My understanding that they were publicly
24 being offered for sale, yes.

25 **Q. Do you know if these sales were subject to**

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1 STATE OF NORTH CAROLINA
2 COUNTY OF MECKLENBURG

3 I, Karen K. Kidwell, RMR, CRR, Stenographic
4 Court Reporter and Notary Public, the officer before
5 whom the foregoing proceeding was conducted according
6 to the emergency video notarization requirements
7 contained in G.S. 10B-25, do hereby certify that the
8 witness whose testimony appears in the foregoing
9 proceeding was duly sworn by me; that the testimony of
10 said witness was taken by me to the best of my ability
11 and thereafter transcribed by me; and that the
12 foregoing pages, inclusive, constitute a true and
13 accurate transcription of the testimony of the witness;
14 that I was located in Mecklenburg County and the
15 witness stated they were located in Wake County at the
16 time of the deposition.

17 I further certify that I am neither attorney
18 or counsel for, nor related to or employed by, any
19 attorney or counsel employed by the parties hereto or
20 financially interested in the action.

21 This the 22nd day of July, 2023.

22 
23

24 Karen K. Kidwell, RMR, CRR
25 Notary Public #19971050142